

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF NEVADA

3 TYRONE T. NALL,

Case No. 3:18-cv-00281-RCJ-WGC

4 Plaintiff

ORDER

5 v.

6 SHELLEY WILLIAMS et al.,

7 Defendants

8  
9 **I. Discussion**

10 On September 12, 2019, this Court issued a screening order dismissing the federal  
11 claim with prejudice as amendment would be futile and declining to exercise supplemental  
12 jurisdiction over the state law claims. (ECF No. 3 at 5). The Clerk of the Court closed the  
13 case and entered judgment. (ECF No. 5). On September 16, 2019, Plaintiff filed an  
14 “objection” which the Court construes as a motion for reconsideration. (ECF No. 6).

15 Upon motion by a party within twenty-eight days of the entry of judgment, the court  
16 may alter or amend its findings under Federal Rule of Civil Procedure 59(e). Fed. R. Civ.  
17 P. 59(e). A party can also seek reconsideration under Federal Rule of Civil Procedure  
18 60(b). Fed. R. Civ. P. 60(b). “Reconsideration is appropriate if the district court (1) is  
19 presented with newly discovered evidence, (2) committed clear error or the initial decision  
20 was manifestly unjust, or (3) if there is an intervening change in controlling law.” *Sch.*  
21 *Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). A  
22 motion for reconsideration “may not be used to raise arguments or present evidence for  
23 the first time when they could reasonably have been raised earlier in the litigation.” *Carroll*  
24 *v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). District courts have discretion regarding  
25 whether to grant a motion to amend under Rule 59(e) or 60(b). *Wood v. Ryan*, 759 F.3d  
26 1117, 1121 (9th Cir. 2014).

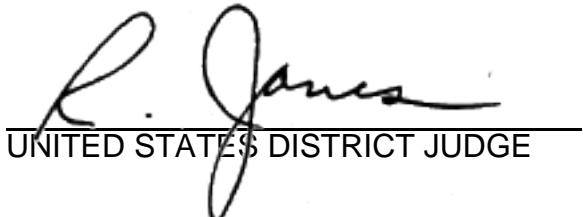
27 The Court denies the motion for reconsideration (ECF No. 6). The Court has  
28 reviewed the complaint, screening order, and motion and finds that it did not commit clear

1 error in the initial decision.

2 **II. Conclusion**

3 For the foregoing reasons, it is ordered that the objection (ECF No. 6) is construed  
4 as a motion for reconsideration and denied.

5 DATED: This 7<sup>th</sup> day of October, 2019.

6  
7  
8   
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT JUDGE